

LUST FAQs

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What is an underground storage tank?

An underground storage tank (UST) is a tank and any underground piping connected to the tank that has at least 10% of its combined volume underground. The Indiana UST regulations (329 IAC 9) apply only to USTs and piping storing either petroleum or certain hazardous substances.

As of May 2004, IDEM regulated about 20,000 UST facilities in Indiana. Nearly all USTs at these sites contain petroleum. These sites include marketers who sell gasoline to the public (such as service stations and conveniences stores) and non-marketers who use tanks solely for their own needs (such as fleet service operators and local governments). Some of these facilities contain hazardous substances such as solvents.

What is a regulated UST?

Any UST containing petroleum or hazardous substances greater than 110 gallons and operated on or after January 1, 1974, with the exception of USTs used for on-site heating such as home heating oil USTs. Farm and residential USTs must be greater than 1,100 gallons to be regulated. Over a ten-year period ending December 22, 1998, all operating USTs were required to be closed or upgraded. The upgrade requirements included three systems to prevent or detect a release:

- Corrosion prevention (for steel USTs)
- Spill and overfill prevention
- Leak detection

Compliance with these requirements is the responsibility of the UST Program.

Must all LUSTs be investigated and cleaned up?

All LUSTs, whether or not they are regulated USTs, require an investigation and possible cleanup. Generally, releases from regulated USTs are the responsibility of the LUST Program. Releases from unregulated USTs are the responsibility of the State Cleanup Program. The Voluntary Remediation Program and Brownfields Program oversee some releases from both regulated and unregulated USTs.

What if I found an orphaned/abandoned tank on a site?

Contact Underground Storage Tanks Section at (317) 234-4112. The tank may need to be registered and back fees may be required.

If the tank appears to have been closed (to the standard of the day in place and filled with an inert substance) or out of operation before January 1, 1974, the tank is unregulated.

If contamination is found related to an unregulated tank, you should call the IDEM spill line at (317) 233-7745 or toll-free at (888) 233-7745.

How do I find out information on a gas station and find out if it has a LUST?

First, consult the online LUST report to determine if there is a LUST at the site you are inquiring about. If you cannot find the site in the report, contact the LUST Section, (317) 232-8900 or toll-free at (800) 451-6027, Ext. 28900. Make sure to get the Facility ID (FID) Number from the LUST report or a staff member. Then, using that FID number, request the file from the IDEM Public File Room, located on the 12th floor of the Indiana Government Center North, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46204. Public files are also available online through the Virtual File Cabinet (VFC). You can also place a Freedom of Information Act (FOIA) request with the file room at (317) 234-0965. They will copy the file for a fee.



What do I do if I have a heating oil tank? What if there is a release?

Heating oil tanks that are for consumptive use on the premises are not regulated by the UST Section. If, however, they leak, it should be reported and must be cleaned up. If a release is detected at a residential heating oil tank, please contact the IDEM Spill Line at (317) 233-7745 or toll-free at (888) 233-7745.

Home heating oil tanks are fairly common. Many were installed in the 1940s and later abandoned. Typically, they are 100-500 gallons in size. Unfortunately, many of these systems leaked or may still leak due to corrosion (rust). Most were abandoned without proper closure. There are no grant or loan programs available to the homeowner to investigate or cleanup leaks from these USTs. If you own and are seeking to buy or sell a home with a heating oil UST that is no longer in use, you should consider taking steps to reduce your current and future human health risk and financial liability. There are UST closure procedures for regulated USTs, which should be followed. If possible, the UST should be removed along with the associate piping. If the UST is inaccessible, it can be closed in place. You can use the advice given for the FAQ titled "How Should I select a Consultant". It is not necessary for them to have experience with the IDEM ELTF program in this situation as it does not apply.

If you have limited resources and have no reason to suspect that the UST leaked, the minimum that should be done is to empty the tank of its contents. The oil and water should be containerized and recycled or disposed of properly. Many communities offer free "Tox-A-Way" programs as a way to properly dispose of "household hazardous waste". Next all piping should be disconnected and removed, if possible. This will ensure that the UST cannot be filled again. Finally, the empty UST should be filled with an inert material such as sand or pea gravel. For more information regarding household hazardous waste programs in your community, visit the following Recycle Indiana Household Hazardous Waste page or call toll-free at (800) 988-7901.

How should I select a consultant?

The IDEM does not recommend or certify environmental consultants and contractors. However, in order to assist you in the selection process, the IDEM has provided guidance at LUST Consultant reference page.

Why do I have to sample for RISC COCs if it is just Guidance and not in the Rule?

The Risk Integrated System of Closure (RISC) non-rule policy document (NPD) was created by IDEM in order to adhere to Public Law 224-1999:

- Public Law 224-1999 (IC 13-12-3-2(a)) states that "...the remediation and closure goals, objectives, and standards for activities conducted under...IC 13-23 shall be consistent with the remediation objectives set forth in IC 13-25-5-8.5."

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- IC 13-25-5-8.5 (b)(2) states that "an assessment of the risks pursuant to subsection (d) posed by the hazardous substance or petroleum presently found on the site taking into consideration the following:
 - A. Expected future use of the site.
 - B. Measurable risk to human health, natural resources, or the environment based on the:
 - i. activities that take place; and
 - ii. environmental impact; on the site.
- IC 13-25-5-8.5 subsection (d) states that "...risk based remediation objectives shall be based on one (1) of the following:
 1. Levels of hazardous substances and petroleum calculated by the department using standard equations and default values for particular hazardous substances or petroleum.
 2. Levels of hazardous substances and petroleum calculated using site-specific data for the default values in the department's [IDEM] standard equations.
 3. Levels of hazardous substances and petroleum developed based on site specific risk assessments that take into account site specific factors.

The RISC COCs for petroleum were developed based on industry standards used by the private sector, U.S. EPA and other states as indicators of risk. By providing this NPD, you and your consultant should better understand what IDEM considers acceptable when conducting site characterization and corrective action activities in your steps toward closure. The RISC does provide a flexible framework giving you numerous options in achieving closure. LUST incidents reported after February 15, 2002 (IDEM's RISC Implementation Date), should adhere to that risk-based guidance rather than the Underground Storage Tank Branch Guidance Manual, October 1994.

What COCs should I sample for during a UST Closure?

Underground storage tank closure requirements can be found in the [UST Closure Assessment Fact Sheet](#). You may also call the IDEM Underground Storage Tank Section at 317-234-6923.

How do I achieve detection limits low enough to meet the RISC residential closure levels?

Use either SW-846, 8310 or 8270 SIM methods. IDEM recognizes that for benzo(a)pyrene, dibenzo(a)anthracene, and indeno(123cd)pyrene it may not be possible to obtain detection limits at or below RISC residential closure levels.

Do labs need to be state certified?

No. For example, a lab in Tennessee does not need to be certified to work on an Indiana LUST site. The laboratory must follow approved methodologies such as those prescribed in U.S. EPA SW-846 Test Methods. For more information regarding W-846 Test Methods, call (317) 232-8401 and/or visit the following Web site: <http://www.epa.gov/epaoswer/hazwaste/test/sw846.htm>. In order to verify that the appropriate sampling and laboratory procedures are followed, you should follow, RISC, "Minimum Data Documentation Requirements", and site specific instructions.

Do consultants working on Indiana LUST sites need to be certified in the state of Indiana?

Yes and no.

LUST site investigation and corrective action activity reports must be signed by one of the following:

- Registered Professional Engineer,
- Licensed Professional Geologist,
- Certified Hazardous Materials Manager, or
- Registered Professional Soil Scientist

Contractors who

- install,
- upgrade or
- decommission (remove) UST systems

must be certified by the Office of the State Fire Marshal. For more information, call (317) 232-2222.

Well drillers who install ground water wells or borings must be licensed by the Indiana Department of Natural Resources (312 IAC 13). For more information, call (317) 232-4160 or toll-free (877) 928-3755 or visit the [DNR Ground Water](#) Web site.

In order to conduct business in the State of Indiana, you must register with the Indiana Secretary of State. For more information, call (317) 232-6576 or visit the [Secretary of State](#) Web site.

How does the implementation of the new UST Rule, effective September 29, 2004, impact sites that were reported to IDEM before September 29, 2004?

All new LUST site investigation and corrective action activity reports must be signed by one of the following:

- Registered Professional Engineer,
- Licensed Professional Geologist,
- Certified Hazardous Materials Manager, or
- Registered Professional Soil Scientist.

Additionally, reports will need to follow the formatted templates for Initial Site Characterizations, Further Site Investigations, Corrective Action Plans, Progress Reports, and No Further Action Requests. The templates will adhere to the new UST Rule, and will be released January 2004.

Why can't I get a deadline extension for an Initial Site Characterization?

The UST Rule (329 IAC 9-5-5.1) states that the minimum requirements for Initial Site Characterizations (ISC) must be submitted within sixty (60) days of release confirmation. Therefore, no extensions will be granted by IDEM project managers regarding the ISC deadline.

What is the status of the review for my project?

Generally, when a report is received in the LUST Section, it will be reviewed in chronological order from the date it was received. The response time can vary due to a project manager's workload. The review time can also be extended if additional technical review (geology, chemistry, risk, etc.) is sought. The turnaround time for technical reviews can be up 60 days or more. If the site is assigned call the IDEM Project Manager. If it is unassigned, call (317) 232-8900 or toll free at (800) 451-6027, Ext. 28900.

When is my document going to be reviewed?

Documents and reports sent to LUST are reviewed according to the order they are received. Most documents are reviewed within 60 days of receipt; however it could take as long as up to 120 days for review. Some LUST project managers may have a higher workload than other so may take longer than the average 60 days to review documents.



How do I find my document in Virtual File Cabinet (VFC)?

LUST documents may be located in VFC found at <http://www.in.gov/idem/6551.htm>. Documents may be found using the VFC document number, "Document Search" or "Facility Search." If you are using "Document Search" select "FID" or "AI Id" for the "Index" and the Facility Identification Number (FID) number or Agency Interest Identification (AI Id) number as the "Value," respectively. You may also search by facility name or address using "Facility Search." If you have difficulty locating a facility in VFC, contact the UST Branch at 317/232-8900, IDEM UST Referrals@idem.IN.gov or LeakingUST@idem.in.gov. IDEM encourages you to view the "IDEM's VFC 101 Tutorial" to assist you in best navigating VFC.

I don't see my document in VFC, how long does it take to get in VFC?

Documents are scanned into VFC in the order they were received. It can take up to seven (7) days to load documents into VFC, however most documents are scanned into VFC sooner.

When do I submit my reports to IDEM?

You should submit your LUST reports in accordance to the time frames specified in the LUST request letter. Initial Site Characterization (ISC) Reports must be submitted to IDEM within 60 days of confirmation of a release. No extensions are given for ISC report, Release Investigation and Confirmation Report, or 20-Day Abatement Report submittal. In the event that you cannot submit your report within the time frame specified in the IDEM request letter, you must notify IDEM and request an extension to be in compliance when allowed. IDEM will grant extensions based on the specific circumstances and as allowed by law (329 IAC 9). To notify IDEM regarding LUST document submittals and extensions, contact the assigned Project Manager or call 317-232-8900 or email LeakingUST@idem.IN.gov.

How do I report a release?

A suspected or confirmed release must be reported within 24 hours. IDEM requests that you report releases from USTs via E-mail at: LeakingUST@idem.IN.gov. You may also report a release via telephone at (317) 232-8900 or fax at (317) 234-0428. When faxing or emailing a new release, please make sure to use the appropriate form (Leaking UST Initial Incident Report form) available on the IDEM form page at <http://www.in.gov/idem/landquality/2391.htm>. If you are reporting a release during non-business hours, call the IDEM Spill Line at (317) 233-7745 or (888) 233-7745.

When do I have to report a suspected release?

Suspected releases must be reported when a regulated substance is found near the UST system:

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Visual or olfactory evidence in sumps or under dispensers, especially if they are not contained

- Field screening, visual evidence (staining) or olfactory evidence, noted in soil or ground water during UST closure activities
- Field screening (photo or flame ionization detectors), visual evidence (staining), or olfactory evidence noted in soil or ground water during performance of environmental sampling, e.g. Phase II Environmental Site Assessment.
- Performance of site activities by the owner, operator or third party on-site or off-site that indicate the presence of a regulated substance in soil or ground water.
- Unusual operating conditions of the UST system
- Monitoring results from release detection.

Please note that the owner must perform release investigation and confirmation steps within seven (7) days of suspected a release report.

When do I have to report a confirmed release?

A confirmed release must be reported anytime you have a laboratory result that indicate levels above laboratory detection limits of a regulated substance in soil or water samples or free product is found in the environment.

There is a spill from a dispenser; do I have to report the spill to Leaking UST?

If a spill or overfill is greater than or equal to 25 gallons for petroleum, it must be reported to IDEM. If it is less than 25 gallons, it is not reportable unless it is not cleaned up within 24 hours. All reportable spills must be reported to IDEM Emergency Response at 317-233-7745 or 888-233-7745 within 24 hours of the occurrence. If the release of petroleum causes a sheen on nearby surface water or exceeds a reportable quantity for a hazardous substance, it must be reported to IDEM Emergency Response within two (2) hours per the Indiana Spill Rule (327 IAC 2-6.1).

How do you choose Project Managers assigned to my site?

Several criteria are used to assign sites. The main criteria include location, site priority, ELTF eligibility, and individual project manager workload.



What is the largest size of document I can submit through email?

Individual electronic files should be no larger than 25MB. Please see the Office of Land Quality Document Submittal Guidelines at <http://www.in.gov/idem/landquality/2368.htm> for additional information regarding electronic submittals.

Do I have to submit a paper copy of a document if I submit my report through email?

Yes, paper copies of reports are always required to be submitted. Office of Land Quality Document Submittal Guidelines requires the following:

- For all documents larger than 10 pages or that have color text or graphics, submit 2 paper copies and 1 CD or DVD containing the complete report and associated data files.
 - Two paper copies are required to allow simultaneous review by both technical staff and project/ permit managers.
 - Label CD/DVDs with program name, site name, site/FID number, document title(s), data file name(s), and date.
- For all documents 10 pages or less that does not have color text or graphics a CD/DVD is not required.
- If you are submitting QA/QC documentation with a report, include 1 comprehensive paper copy with full QA/QC documentation of lab data and 1 CD or DVD containing the complete report (including QA/QC documentation). The second paper copy of your report does not need to include the QA/QC documentation.
- Paper documents should be duplex and printed on white bond paper.
- Binding paper documents is optional.

For additional information regarding the document submittal guidelines go to <http://www.in.gov/idem/landquality/2368.htm>.

Why do I have to submit a CD copy of report to IDEM?

CDs are required to be submitted so that information can be easily uploaded to the IDEM Virtual File Cabinet (VFC) to better serve our customers and the general public.

During a UST Closure, minimal contamination was found in the soil or ground water below the Risk Default Closure Levels (RDCLs) or Screening Levels. Do I need to report a release?

Yes, according to 329 IAC 9-4-1 the Owner and Operator of a UST system shall report suspected contamination within 24 hours of discovery of a released regulated substance at the underground storage tank site or in the surrounding area. Further 329 IAC 9-4-3 requires the owner and operator to begin corrective action if test results for the excavation zone or the underground storage tank site indicate that a release has occurred. A release must be reported for any detection of contamination at a regulated UST Facility. Releases that are delineated to the RDCL or Screening Levels on site may be easily transitioned to closure. As always, a case for closure can be made by a responsible party at any time with supportive data and lines of evidence including full QA/QC validation for sampling results.

If I discover contamination in an area that previously received a No Further Action (NFA) do I still have to report?

Yes, a suspected release must be reported, if contamination is discovered in an area of the site that previously received a letter of no further action. The responsible party or property owner may then provide evidence to IDEM in support of deactivating the release. In the case that all UST and sources were previously removed from the facility and contamination discovered is consistent with or less than levels previously investigated, a petition for deactivation of the release number can be made by the owner. If higher levels of contamination are found than at the time of closure and the UST system has not been removed from the property, additional investigation and information may be required by IDEM to negate or confirm a new release.

Can you answer my Excess Liability Trust Fund (ELTF) questions? How do I get information about ELTF?

Since all Project Managers are assigned ELTF eligible sites, they are all qualified to respond to most any question you may have, especially if the question is of a site specific nature. Program information, including a copy of the ELTF Rule, is located on the ELTF website (<http://www.in.gov/idem/landquality/2346.htm>). ELTF Staff also respond to questions left on the ELTF Hotline at 317-234-0990.

What contaminants should I sample for in soil and groundwater?

Please refer to the applicable non-rule policy document Program Guide for information on environmental testing for your release:

- 1994 UST Branch Guidance Manual, Figures I-IV, http://www.in.gov/idem/files/RISC_closure_guidance.pdf
- Risk Integrated System of Closure, Technical Resource Guidance Document, Chapter 8, Table 8-3, www.in.gov/idem/files/riscotechguidance.pdf
- Remediation Program Guide, Chapter 3, Potential Petroleum Contaminants, Table 3.1, www.in.gov/idem/files/remediation_program_guide_chap_3.pdf

Why do I have to analyze for all those Chemicals of Concern/Potential Petroleum Contaminants?” and “I don’t understand the new process for closure”

During the 2009 legislative session, House Enrolled Act 1162 now Public Law 78-2009 amended several statutes regulating environmental remediation projects in Indiana. The amended statutes became effective on July 1, 2009. IDEM staff use this document together with the Risk Integrated System of Closure (RISC) Technical Resource Guidance Document (Tech Guide) and User’s Guide, February 15, 2001, or other applicable non-rule policy documents as guidelines in evaluating risk-based remediation proposals. In short, IDEM must consider risk-based remediation objectives for hazardous substances and petroleum that manage risk and control completed or potential exposure pathways as valid approaches to site closure. IDEM developed an Interim Implementation Document (IID) dated December 7, 2009 to better explain how the new law applies to closure. The IID can be located online at http://www.in.gov/idem/files/risc_head_1162_20091207.pdf

When do I use direct contact screening levels?

The direct contact pathway for soil should be evaluated whenever and wherever you think there is a reasonable chance that direct contact might occur. In addition, the potential for direct contact exposure for subsurface soil may occur if subsurface soil is brought to the surface or for utility/excavation workers. Impacted soil at the surface would be evaluated as a risk under current land use, and subsurface soil, including the smear zone, would be evaluated for potential future exposure. If a release was to the surface, then soil should be evaluated beginning at the surface and proceeding to the depth where exposure, i.e.

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exposure exceeding the direct contact screening level, is no longer a concern. Generally, direct contact to soil below 15 feet is unlikely. If the release occurred in the subsurface, e.g. from a tank, then evaluating surface soil may not be necessary. Sample data should be compared to the direct contact screening levels for the appropriate land use, i.e. residential, industrial/commercial, or recreational. When evaluating a release for closure, soil samples would be collected in the smear zone only if there was concern that those soils need to be evaluated for direct contact.

It's important to remember that the direct contact screening level is just a first cut in evaluating a site. Exceeding a screening level just means that further action is required. Further action could be calculating a site-specific level to more accurately evaluate risk at a site (assuming the screening level over estimates the risk), collecting more samples to reduce uncertainty, managing the risk with an ERC, or remediation.

When do I use migration to groundwater numbers?

The purpose of the migration-to-ground water screening levels is to evaluate the potential for soil to impact ground water. If it has been determined that the ground water is already contaminated, then the ground water matrix should be evaluated by direct measurement through an appropriate monitoring well network, and the evaluation of leaching *potential* becomes irrelevant. That is because the presence of ground water contamination is a better indicator of whether contaminated soils are a source of ground water contamination than is a migration-to-ground water leaching model. If a soil source has been identified but ground water is not impacted, then an assessment should be made of the *potential* for the soil source to leach to ground water. That assessment could be made by evaluating IDEM's migration-to-ground water screening levels, soil synthetic precipitation leaching procedure (SPLP) data, the mass and physical characteristics of the contaminants, the length of time since the release, or ground water monitoring data that demonstrate that the soil source has not affected the ground water.

If ground water is impacted, there may be other reasons why the responsible party would want to collect subsurface samples, including:

- Evaluating direct contact risk, as described above
- Effectively designing and monitoring performance of remediation systems
- Developing an understanding of contaminant distribution necessary for Conceptual Site Model (CSM) development and risk evaluation
- Ensuring proper placement of monitoring well screens
- Determining whether contamination extends into deeper water-bearing units

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- Meeting the requirements of program-specific rules that specify soil samples from certain locations, e.g. excavation walls and bottoms.

I am an environmental consultant and I performed a Phase I Environmental Site Assessment or All Appropriate Inquiries for a specific property. How can I get information about my site and surrounding sites that are contaminated?

The U.S. Environmental Protection Agency recommends that Appropriate Inquiries (AAI) be considered when deciding to purchase a property with USTs or former USTs. General information regarding AAI can be found at <http://www.epa.gov/brownfields/aai/aaigg.htm> . AAI recommends among other things that consultants should interview past and present owners as well as research historical records. Your search should include researching IDEM databases and the IDEM Virtual File Cabinet (VFC). The IDEM LUST database and release information can be found at <http://www.in.gov/idem/landquality/2367.htm> For site specific information regarding ownership, compliance, investigations and clean-ups, consultants may review agency files for specific facilities on the IDEM VFC at <http://www.in.gov/idem/6551.htm> For additional information regarding active LUST sites you can contact the IDEM Project Manager after reviewing the file. Please be aware that reviewing the IDEM files does not complete AAI